# IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 586 OF 2005

IN

STAMP NUMBER MAIN NO. 1657 OF 2005

MR.ANTHONY D. FERNANDES,GOA VELHA, TISWADI GOA. ....Applicant

Versus

LAND ACQUISITION OFFICER AND ANR., ....Respondents

Mr. Mahesh Amonkar, Advocate for the applicant.

Ms. R. Chodankar, Addl. Govt. Adocate for the respondents.

Coram:- SMT. RANJANA DESAI, J.

Date:- 6th July, 2006

P.C.

Heard the learned Counsel for the parties. There is a delay of three years and ten months in filing the first appeal. The main reason for the delay is that the applicant had filed an application for setting aside the ex parte award which was not maintainable. The applicant, therefore, bona fide prosecuted a wrong remedy. In the circumstances, therefore, the delay needs to be condoned in the interest of justice after saddling the applicant with costs, quantified at Rs.3,000/-.

The learned Counsel for the applicant states that the amount of Rs.3,000/- will be paid within a period of two weeks from today. Hence, the following order :

The delay in filing the first appeal is condoned on the applicant

paying costs which is quantified at Rs.3,000/-, in favour of the Goa State Legal Services Authority. The payment of costs will be condition precedent for the condonation of delay. The civil application is disposed of.

SMT. RANJANA DESAI, J.

ssm.